PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: Q64734
Francis PINAULT, et al.	
Appln. No.: 09/873,357	Group Art Unit: 2134
Confirmation No.: 5168	Examiner: Piotr POLTORAK
Filed: June 5, 2001	

For: METHOD OF PROVIDING ACCESS CONTROL FOR AND/OR VIS-A-VIS USERS ACCESSING THE INTERNET FROM TERMINALS VIA A PRIVATE ACCESS NODE, AND ARRANGEMENTS FOR PUTTING THIS KIND OF METHOD INTO PRACTICE

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits this Reply Brief in response to the Examiner's Answer dated August 1, 2008 and August 15, 2008. Entry of this Reply Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1, 2, and 4-13 are the claims on appeal.

Claims 1, 2, and 4-13 constitute all pending claims in the present application. Claim 3 is canceled.

Claims 1, 2, 4, and 8-13 stand rejected under 35 U.S.C. § 102(a) as allegedly anticipated by or, in the alternative, rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Toga (U.S. 6,041,355).

Claims 5-7 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Toga in view of Fritch (U.S. 6,105,132) in view of Cotten (U.S. 6,330,590).

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Toga in view of Hitson (U.S. Pub. No. 2002/0010759).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are:

1) The rejection of claims 1, 2, 4, and 8-13 under 35 U.S.C. § 102(a) as being anticipated by or, in the alternative, rejected under 35 U.S.C. § 103(a) as being unpatentable over Toga (U.S. 6,041,355).

2) The rejection of claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over Toga in view of Fritch (U.S. 6,105,132) in view of Cotten (U.S. 6,330,590).

3) The rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Toga in view of Hitson (U.S. Pub. No. 2002/0010759).

ARGUMENT

1) The Rejection of claims 1, 2, 4, and 8-13 under 35 U.S.C. § 102(a) as being anticipated by or, in the alternative, rejected under 35 U.S.C. § 103(a) as being unpatentable over Toga (U.S. 6,041,355).

Claim 1

In the Examiner's Answer dated August 15, 2008, the Examiner maintains that Toga discloses "analyzing a signature included in said multimedia data stream for the purpose of said filtering" as recited in claim 1. Toga, however, fails to disclose the above recited features and merely teaches "a method of controlling the transfer of data between a first and second computer network comprises parsing content description language received from the first computer network by the second computer network to determine current tag information within the content description language" (see the Abstract). Toga focuses on tags, which are used for displaying the data in an appropriate manner by a browser. In Toga, tags may convey other information about the content of data and be used by the proxy to determine whether to allow subsequent data transfer. (See col. 3, lines 33-45.) The "tag information" in Toga refers to displaying the data (by indicating tags within content description language), financial tags, resource constraints tags, and content restriction tags. While in the claimed invention, signatures are used for allowing or restricting multimedia data stream regardless of the "tag information" definitions of Toga.

Furthermore, Appellant's specification clearly provides an exemplary embodiment of the "signature" where the "signature" can indicate the existence of restrictions on the use of the data

that it accompanies and in particular to SDMI (secure digital music initiative) signatures accompanying data constituting certain multimedia files (see page 10, lines 13-16).

Appellant also submits that Toga fails to teach, "filtering, authorizing or blocking transmission of said multimedia data stream to said terminal as **a function of particular criteria provided from said private network** and applied to the multimedia data stream received at said private access node," as required in claim 1. The Examiner contends that the web proxy 22 of Toga teaches the above recited features of the claimed invention. Appellant disagrees with the Examiner's position.

In Toga, the web proxy determines completion decisions as to whether to allow the transfer of data based upon the tag information. (See col. 3, lines 16-18). The determination factors for Toga, however, are based on the **access levels of the user terminals**. For example, in col. 3, lines 53-60 of Toga, the web proxy compares the cost of the content against a spending limit of the user that requested the data. Although Toga determines whether to allow the transfer, the determinative factors are based on the user. Furthermore, when the web proxy makes completion decision based on content restrictions such as sexual or violent content, the decision is based on whether certain **users** should be allowed access. In the claimed invention however, the filtering, authorizing or blocking transmission of said multimedia data stream is **a function of particular criteria provided from said private network**. Thus, Toga teaches that the determination of transferring data is based on user access level, but fails to teach or suggest that the "filtering, authorizing, or blocking transmission of said multimedia data stream to said terminal as **a function of particular criteria provided from said private network**".

For the above reasons, Appellant submits that claim 1 is patentable over the applied art. Claims 2, 4, 8-9, 11, 12, and 13 are patentable at least by virtue of its dependency on claim 1.

Claim 10

In the Examiner's Answer dated August 15, 2008, the Examiner maintains that Toga discloses "data content which comprises said multimedia data stream received at said private access node, and ***analyzing a signature*** included in said multimedia data stream for the purpose of said filtering," as recited in claim 10. Toga, however, fails to disclose the above recited features and teaches "a method of controlling the transfer of data between a first and second computer network comprises parsing content description language received from the first computer network by the second computer network to determine current tag information within the content description language". (See the Abstract). Toga, focuses on tags, which are used for displaying the data in an appropriate manner by a browser. In Toga, tags may convey other information about the content of data and be used by the proxy to determine whether to allow subsequent data transfer. (See col. 3, lines 33-45).

The "tag information" in Toga refers to displaying the data (by indicating tags within content description language), financial tags, resource constraints tags, and content restriction tags. While, in the claimed invention, signatures are used for the purposes of allowing or restricting multimedia data stream regardless of the "tag information" definitions of Toga.

Furthermore, Appellant's specification clearly states an exemplary embodiment of the "signature" where the "signature" can indicate the existence of restrictions on the use of the data

that it accompanies and in particular to SDMI (secure digital music initiative) signatures accompanying data constituting certain multimedia files (see page 10, lines 13-16).

Appellant also submits that Toga fails to teach, "a control logic unit for filtering said multimedia data stream stored in said storage unit, said filtering authorizing or blocking transmission of said multimedia data stream to said terminal ***as a function of particular criteria provided from said private network***". In Toga, the web proxy completion decisions determine whether to allow the transfer of data based upon the tag information. (See col. 3, lines 16-18). The determination factors for Toga, however, are based on the **access levels of the user terminals**. For example, in col. 3, lines 53-60 of Toga, the web proxy compares the cost of the content against a spending limit of the user that requested the data. Although Toga determines whether to allow the transfer, the determinative factors are based on the user. Furthermore, when the web proxy makes completion decision based on content restrictions such as sexual or violent content, the decision is based on whether certain **users** should be allowed access. In the claimed invention however, the filtering, authorizing or blocking transmission of said multimedia data stream is **a function of particular criteria provided from said private network**. Not only does Toga fail to teach or suggest that the "filtering, authorizing, or blocking transmission of said multimedia data stream to said terminal as **a function of particular criteria provided from said private network**", Toga teaches that the determination of transferring data is based on user access level.

2) The Rejection of claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over Toga in view of Fritch (U.S. 6,105,132) in view of Cotten (U.S. 6,330,590).

Claim 5

In the Examiner's Answer dated August 15, 2008, the Examiner maintains his position that Toga in view of Fritch and Cotten discloses, "temporarily delayed data, which comprises said ***multimedia data stream stored in the determination of conformance, is retained to enable a further check in the event of non-conformance***" as recited in claim 5, and asserts on Page 14 of the Examiner's Answer that, "Cotten explicitly disclosed that the data (including non-conformance data) is retained to enable interruption of subsequently received data stream (see Cotten, col. 3 lines 51-55 or col. 4, lines 30-38, for example). Similarly in col. 4 lines 50-52, for example, Cotten discloses using the retained non-conformance data to enable interruption of subsequently received multimedia data stream (the detected non-conformance data, i.e. signature is retained by the SPAM Detection system to ensure SPAMless email stream)". Appellant disagrees for the following reasons.

Cotten relates to method and system for eliminating SPAM. In order to detect SPAM, detection is effected by reading the e-mail message, eliminating the personalization and addressing portions and processing the remaining text to establish a ***signature identification code***. Bulk mailings are detected when there are at least two e-mail messages identified containing the same non-address contents beings sent to different e-mail addresses. After detection, a ***numerical signature identification code*** for that bulk message is established. (See col. 2, lines 21-29). Contrary to the Examiner's assertion, Cotten states at col. 3 lines 51-55, that

only the signature identification code is retained. As stated above, the signature identification code are representative of only the text of the message without the personalization and addressing portions. Thus, Cotten at best, teaches retaining signature identification codes which does not correspond to, "multimedia data stream stored in the determination of conformance, is retained to enable a further check in the event of non-conformance" as recited in claim 5.

Cotten also teaches that SPAM is detected at the local SPAM Detector Station 16, which typically also stores the signature identification codes of currently active bulk mail messages. (See col. 3, lines 27-31). The current messages passing through the Comparator Rejector Station 18 are compared with the stored SPAM signature codes and if a match is made, the SPAM is deleted. Further, according to the embodiment in FIG. 3, message may be processed either by attaching a SPAM ID flag 37, at least temporarily, to the message for later processing or to simply delete the message in the SPAM deletion mechanism 38. (See col. 4, lines 34-38). Thus, in Cotten, once SPAM is detected, the SPAM email is immediately deleted, flagged for deletion, or sent to the subscriber. (See FIG. 5). Thus, Cotten fails to teach or suggest, "multimedia data stream stored in the determination of conformance, is retained to enable ***a further check*** in the event of non-conformance".

Claim 6

Claim 6 recites, "data for which non-conformance has been detected in said multimedia data stream is retained to enable interruption of a subsequently received multimedia data stream ***before complete analysis of said subsequently received multimedia data stream*** if said data is detected again in said subsequently received multimedia data stream". The Examiner admits that

Toga in view of Fritch fails to disclose the above recited features but cites Cotten as curing the deficiencies of Toga and Fritch. Appellant disagrees with the Examiner's position.

Cotton teaches storing signature identification codes of currently active bulk mail messages. The signature identification codes are created by the Detection System 30 where, "the first operation step is establishing the identity of the message text, omitting addresses and personal references, at block 33. The remaining message text portion thus serves to identify an individual message signature. This signature is then coded in abbreviated format to uniquely identify each email message in transit". (See col. 3, lines 61-67). Accordingly, Cotten requires the entire email message stream in order to determine whether the email is SPAM and processed as such. Thus, Cotten does not teach or suggest that, "data for which non-conformance has been detected in said multimedia data stream is retained to enable interruption of a subsequently received multimedia data stream ***before complete analysis of said subsequently received multimedia data stream*** if said data is detected again in said subsequently received multimedia data stream".

Claim 7

Claim 7 recites, "counting, for control purposes, the number of times that data of a particular content is received, if said content is found in said multimedia data stream which is temporarily stored, after it has been received from said computer network in at least one data stream addressed to a particular terminal". The Examiner admits that Toga in view of Fritch fails to disclose the above recited features but cites Cotten as curing the deficiencies of Toga and Fritch. Appellant disagrees with the Examiner's position.

Cotten teaches a SPAM Detection and Register 35 mechanism which maintains and uses a register of signature codes for eliminating SPAM. The bulk mailing signature code is identified in Cotton when, typically, three email messages are detected going to different e-mail addresses. The bulk mailing signature code is then recorded in a register. (See col. 4, lines 20-25). Cotton, however, fails to teach or suggest a counter of the number of bulk emails. Thus, Cotten fails to teach or suggest, "the number of times that data of a particular content is received". Therefore, for at least these reasons, Appellant submits that the claims are not obvious in view of the combination.

3) The Rejection of claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Toga in view of Hitson (U.S. Pub. No. 2002/0010759).

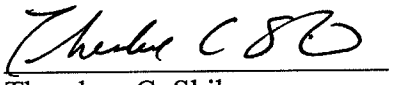
Claim 13 is patentable at least by virtue of their dependency from claim 1, as Hitson fails to cure the deficient disclosure of Toga.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal.

An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



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